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MAY 24 2005

OFFICE OF PETITIONS

In re Application of :
Colleen Cooper :
Application No. 10/626,942 : ON PETITION
Filed: July 25, 2003 :
Title: Patient Management of Diabetes :
Treatment :

This is a decision on the petition filed March 21, 2005, requesting in effect, the "Notice of Omitted Item(s) in a Nonprovisional Application" ("Notice") be withdrawn, and the above-identified application be accorded a filing date of July 25, 2003 including figure 2.

The application was filed on July 25, 2003. However, on February 28, 2005, the Office of Initial Patent Examination (OIPE) mailed a Notice stating that the application had been accorded a filing date of July 25, 2003 but figure 2 as described in the specification appeared to have been omitted.

In response, the present petition was filed wherein Petitioner contends figure 2 of the specification was filed on July 25, 2003. In support, the petition is accompanied by a copy of applicant's return postcard which lists " Formal Drawing(s) (2 sheets)". The petition is further accompanied by a copy of figure 2.

Applicant's postcard receipt is prima facie evidence that 2 sheets of drawings, including figure 2 were received on July 25, 2003, but figure 2 as described in the specification is not present in the file. Hence, it is clear that the papers for this application were mishandled by the Office. Therefore, it is concluded that figure 2 as described in the specification was received on July 25, 2005 as shown in counsel's file, and later misplaced in the office.

The petition is Granted. The \$400.00 petition fee will be refunded to deposit account 19-0743.

Since the original drawings cannot be located in the Office,

substitute figure 2 supplied on March 21, 2005, will be used for processing and examination purposes.

The application will be returned to the Office of Initial Patent Examination for further processing with a filing date of July 25, 2003, using the drawings supplied on that date and the 1 sheet of drawing supplied on March 21, 2005.

Telephone inquiries related to this decision may be directed to the undersigned at (571) 272-3215.

A handwritten signature in cursive script, appearing to read "Charlema R. Grant".

Charlema R. Grant
Petition Attorney
Office of Petitions